

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 1:20-cr-00183-RJJ

Plaintiff,

v.

Hon. Robert J. Jonker

TY GERARD GARBIN

Defendant(s).

**GOVERNMENT'S  
INITIAL PRETRIAL CONFERENCE  
SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements (Rule 16(a)(1)(A))

☐

There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

☒

There are the following written records of oral statements:

-FBI Report of Custodial Interrogation (also audio/video recorded)

The substance of which

☐

has been disclosed to defense counsel.

☒

will be disclosed to defense counsel by January 15, 2021.

2. Written or Recorded Statements (Rule 16(a)(1)(B))

☐

There are no written or recorded statements or grand jury testimony of defendant.

☒

There are the following written or recorded statements or grand jury testimony:

-Audio recordings (covert surveillance)  
-Audio/video recording of custodial interview  
-Text messages, chats  
-Audio/video recordings sent through social media

All written or recorded statements

☐

have been disclosed to defense counsel.

☒

will be disclosed to defense counsel by January 15, 2021.

B. Defendant's Prior Record (Rule 16(a)(1)(D))

- ☐ The Government has made due inquiry and is not aware of any prior criminal record.
- ☒ The Government has disclosed defendant's prior criminal history.
- ☐ The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The Government has the following documents, tangible objects, and physical evidence:
- ☐ Drug Paraphernalia      ☐ Drug Records      ☐ Inventory (attached)
- ☐ Controlled Substances: \_\_\_\_\_
- ☐ Records: \_\_\_\_\_
- ☒ Firearms: \_\_\_\_\_ See returns on warrants listed below
- ☒ Other: \_\_\_\_\_ See returns on warrants listed below
- ☒ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
- ☐ State
- ☒ Federal:
- Case No. 20-mj-412 (Luther) Re: 20-mj-349, 392, 393, 394, 396 (ping)
- Case No. \_\_\_\_\_ Re: 20-mc-505016-10 (electronic devices)
- Case No. \_\_\_\_\_ Re: 20-mc-50516-7 (residence and vhc)
- ☐ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with:
- \_\_\_\_\_ FBI Special Agent Todd Reinick

D. Reports of Examinations and Tests (Rule 16(a)(1)(F))

- ☐ The Government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☒ The Government has or expects to have reports of the following examinations and tests:
- ☐ Drug Analysis      ☒ Handwriting      ☒ Fingerprints
- ☐ DNA      ☒ Firearms/Nexus      ☒ Gun Operability
- ☒ Computer Forensics      ☒ Other: 3D Rendering of Luther Property

E. Reciprocal Discovery

- ☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

☒ The Government does not presently intend to introduce 404(b) evidence.

☐ The Government does presently intend to introduce the following 404(b) evidence:

☐ The Government will provide pretrial notice of 404(b) evidence by \_\_\_\_\_ .

G. Other Discovery Matters

II. TRIAL

A. The Government requests a ☒ jury ☐ non-jury trial.

B. The length of trial excluding jury selection is estimated at 3 weeks .

III. MISCELLANEOUS

The parties acknowledge that if the case is appropriate for expedited resolution, a joint motion for expedited sentencing shall be filed within 14 days of arraignment.

☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.

☐ The Government is aware of the following potential conflicts:

☒ Government's plea negotiation policy:

To benefit from concessions by the government, Defendant must enter plea agreement 4 weeks before the final pretrial conference.

Date December 17, 2020

Austin J. Hakes  
Counsel for the United States